IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY SEVENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NOS: 5913, 5917, 5933 AND 5937 OF 2020

CRL.P. NO. 5913 OF 2020:
Between:
K.Vijaya Kumar, S/o. K.Satyanarayana,

Petitioner/Accused No.1

AND

The State of Telangana, represented by its S.H.O, Patancheru Police Station, Sangareddy Dist., rep. by Public Prosecutor, High Court for the State of Telangana.

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to release the petitioner on bail pending Investigation, Inquiry and Trial in connection with the Crime No.415 of 2020 on the file of Patancheru Police Station, Sangareddy District, otherwise the petitioner shall suffer irreparable loss.

Counsel for the Petitioner : **SMT. K.SESHA RAJYAM, SENIOR COUNSEL REP. SRI M.KOTESWARA RAO**

Counsel for Respondent : **PUBLIC PROSECUTOR**

CRL.P. NO. 5917 OF 2020:
Between:
K.Vijaya Kumar, S/o. K.Satyanarayana,

Petitioner/Accused No.1

AND

The State of Telangana, represented by its S.H.O, Patancheru Police Station, Sangareddy Dist., rep. by Public Prosecutor, High Court for the State of Telangana.

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to release the petitioner on bail pending Investigation, Inquiry and Trial in connection with the Crime No.349 of 2020 on the file of Patancheru Police Station, Sangareddy District, otherwise the petitioner shall suffer irreparable loss.

Counsel for the Petitioner : **SMT. K.SESHA RAJYAM, SENIOR COUNSEL REP. SRI M.KOTESWARA RAO**

Counsel for Respondent : **PUBLIC PROSECUTOR**

CRL.P. NO. 5933 OF 2020:
Between:
Jasthi Pradeep Choudary, S/o. Nageswara Rao

Petitioner/Accused No.2

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature, at Hyderabad, for the State of Telangana.

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to release the petitioner/A2 on bail in Cr. No. 349 of 2020 on the file of Patancheru Police Station, Sangareddy, with any condition or conditions;

Counsel for the Petitioner : **SRI NARASIMHULU K.B.**

Counsel for Respondent : **PUBLIC PROSECUTOR**

CRL.P. NO. 5937 OF 2020:
Between:
Jasthi Pradeep Choudary, S/o. Nageswara Rao

Petitioner/Accused No.2

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature, at Hyderabad, for the State of Telangana.

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to release the petitioner/A2 on bail in Cr. No. 415 of 2020 on the file of Patancheru Police Station, Sangareddy, with any condition or conditions;

Counsel for the Petitioner : **SRI NARASIMHULU K.B.**

Counsel for Respondent : **PUBLIC PROSECUTOR**

The Court made the following;

HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.5913, 5917, 5933 AND 5937 OF 2020

COMMON ORDER:

Mr. K. Vijaya Kumar, accused No.1 in Crime Nos.415 of 2020 and 349 of 2020 on the file of Patancheru Police Station, Sangareddy District, filed Criminal Petition Nos.5913 and 5917 of 2020 seeking regular bails in the said crimes. Similarly, Mr. Jasthi Pradeep Choudary, accused No.2 in the said crimes, filed Criminal Petition Nos.5933 and 5937 of 2020 seeking regular bails in the said crimes. The offences alleged against accused Nos.1 and 2 in Crime No.349 of 2020 are under Sections 120-B, 420, 447 and 427 read with 34 of IPC. The offences alleged against accused Nos.1 and 2 in Crime No.415 of 2020 are under Sections 120-B, 406 and 420 read with 34 of IPC.

2. The petitioner in Criminal Petition Nos.5913 and 5917 of 2020 is accused No.1, while the petitioner in Criminal Petition Nos.5933 and 5937 of 2020 is accused No.2 in the aforesaid crimes, and hereinafter they will be referred as accused Nos.1 and 2 respectively.

3. Heard Mrs. K. Sesha Rajyam, learned Senior Counsel representing Mr. M. Koteswara Rao, learned counsel for accused No.1 in both petitions (Crl.P. Nos.5913 and 5917 of 2020), Mr. K.B. Narasimhulu, learned counsel for accused No.2 in both petitions (Crl.P. Nos.5933 and 5937 of 2020), Mr. Palle Sriharinath, learned

counsel for the *de facto* complainants, and also the learned Public Prosecutor appearing on behalf of the respondent - State.

ALLEGATIONS IN CRIME No.349 of 2020:

4. The allegations levelled against accused Nos.1 and 2 in the complaint by the *de facto* complainant - Smt. Vennigalla Vijaya Laxmi are that she has purchased the land to an extent of Acs.22.06 guntas in Survey Nos.468, 469, 48, 443, 444, 463, 470, 473, 449, 450, 451 and 452, situated at Chitkul village of Patancheru Mandal, Sangareddy District, from Smt. K. Swarnalatha and her sons, viz., K. Vijay Kumar (Accused No.1), K. Venkatesh and K. Subash Chandrabose, vide registered sale deed bearing document Nos.7009 of 2003, 7010 of 2003 and 7011 of 2003, and she converted the same along with other extent into non-agriculture, laid plots and started selling on the name of 'Sai Santoshi Township'.

5. It is further alleged by the *de facto* complainant that on 27.08.2020 at 10.00 a.m., when she visited the site, she noticed that Mr. Pradeep Choudary (Accused No.2), Mr. Konda Shivaraju, Mr. B. Yadaiah, Mr. K. Vijaya Laxmi, Mr. Masthanaiah and Mr. Sanjeev Reddy were criminally trespassed into her land and removing the fencing stones by saying that they were purchasers of the said land.

6. It is also alleged by the *de facto* complainant that on verification of the documents, she came to know that Mrs. K. Swarnalatha has executed Gift Deed bearing document No.30909 of

2018 in favour of her son - Mr. Venkatesh, to an extent of 4598 square yards in Survey No.438, another Gift Deed bearing document No.46164 of 2018 in favour of her son - Mr. Vijay Kumar (accused No.1) to an extent of 2783 square yards in Survey No.463 and she also executed Agreement - cum - General Power of Attorney (AGPA) bearing document No.54452 of 2019 in favour of Mr. J. Pradeep Choudary (accused No.2) to an extent of 2420 square yards in Survey No.452. Subsequently, her son - K. Venkatesh has executed AGPA bearing document No.53578 of 2019 in favour of Mr. K. Venkata Seshu and accused No.2 to an extent of 4598 square yards in Survey No.438. Similarly, another son (accused No.1) executed AGPA bearing document No.40008 of 2019 in favour of accused No.2 to an extent of 2783 square yards in Survey No.463.

7. It is further alleged that in view of the above, Smt. K. Swarnalatha and her sons by colluding with accused No.2 have executed documents in respect of the land which was already sold to her earlier, it is a double registration and, thereby they have cheated her.

ALLEGATIONS IN CRIME No.415 of 2020:

8. The allegations levelled against the petitioners - accused Nos.1 and 2 in the complaint dated 03.10.2020 by *de facto* complainant - Suresh Ravi are that he was intending to purchase agricultural land, and Mr. Ramana and Ratnakar introduced accused

No.2 to him. Taking advantage of his intention to purchase the land, accused Nos.1 and 2 and others played fraud on him. Accordingly, accused Nos.1 and 2 and other accused in collusion with each other have sold the land to him in Survey No.463 to an extent of 2783 square yards on 02.01.2020 by receiving an amount of Rs.1.50 Cores, but in fact the said land was already sold to Vijaya Lakshmi vide document No.137 of 2020. After came to know the same, when he demanded the accused to return the money, they did not return, but offered some other land and accordingly, agreed to allot the land in Survey No.452 saying that it was a clear title and shown the report of Mandal Surveyor and conversion letter issued by the Tahsildar, and received further amount of Rs.16.00 lakhs in cash and Rs.40.00 lakhs by way of cheques. Believing their version, he purchased the land under document bearing No.3379 of 2020. Subsequently, he came to know about the complaint lodged by the *de facto* complainant in Crime No.349 of 2020.

9. It is further alleged that on enquiry, the *de facto* complainant came to know that the said Surveyor's report and conversion letter were created in collusion with officials and sold the land in Survey No.448, which is a Government land, by showing it as the land in Survey No.452. Thus, accused Nos.1 and 2 have cheated the *de facto* complainant.

COMMON CONTENTIONS ON BEHALF OF ACCUSED No.1

10. Mrs. K. Sesha Rajyam, learned senior counsel, would submit that the *de facto* complainants in both the crimes have made enquiries with the revenue officials in respect of nature of land. Even in the complaint dated 03.10.2020 in Crime No.415 of 2020 itself, the *de facto* complainant has stated that he has made enquiries with the revenue officials with regard to the land. Accused No.1 has never committed any cheating or criminal breach of trust as alleged by the *de facto* complainants in both the complaints.

11. The learned senior counsel would further submit that the police have already taken custody of accused No.1 on 23.11.2020, and custodial interrogation of accused No.1 was over. The police have not sought for any extension of custodial interrogation of accused No.1. The Investigating Officer has completed the entire investigation. The *de facto* complainants have falsely implicated accused No.1 in the aforesaid crimes. Accused No.1 has purchased the land ad measuring 2783 square yards in Survey No.463 vide registered sale deed bearing document No.46164 of 2018, dated 20.11.2018 from his vendor. Thereafter, he has executed AGPA vide document No.40008 of 2019 in favour of accused No.2 in respect of the very same land. The learned senior counsel would submit that the said land is not a Government land. She has also relied upon the receipts dated 21.11.2018, 26.11.2018, 25.11.2018, 20.02.2019 and 31.05.2019 issued by accused No.1. By referring to the said documents, the

learned senior counsel would submit that the disputes are civil in nature. The accused No.1 did not commit any offence as alleged by the *de facto* complainants in both the crimes. The police have arrested accused No.1 in both the crimes on 27.10.2020 and since then he is in jail.

12. With the above said contentions, the learned senior counsel sought to grant bail to accused No.1 in both crimes by imposing certain conditions.

COMMON CONTENTIONS ON BEHALF OF ACCUSED No.2:

13. Mr. K.B. Narasimhulu, learned counsel appearing on behalf of accused No.2 would submit that accused No.2 has not committed any offence as alleged in both the crimes. He would further submit that accused No.1 has executed AGPA in favour of accused No.2 vide document No.40008 of 2019 by receiving sale consideration. Then, accused No.2 has sold the said land to the *de facto* complainant in Crime No.415 of 2020. Thus, accused No.1 has not committed any offence.

14. He would further submit that accused No.2 never trespassed into any land of the *de facto* complainant in Crime No.349 of 2020 as alleged by her. The allegation mentioned in the complaint dated 29.08.2020 in Crime No.349 of 2020 is civil in nature. He would also submit that the police have arrested accused No.2 in both

the crimes on 27.10.2020 and since then he is in jail. The police have completed the entire investigation.

15. With the above said contentions, the learned counsel sought to consider bail applications of accused No.2 in both crimes by imposing certain conditions.

COMMON SUBMISSIONS MADE BY THE LEARNED PUBLIC PROSECUTOR:

16. On the other hand, the learned Public Prosecutor, on instructions, would submit that accused No.1 has cheated the *de facto* complainant in Crime No.415 of 2020 by showing the land in Survey No.448 as if it is situated in Survey No.452 of Chitkul village. The land in Survey No.448 is Government land. Accused Nos.1 and 2 have sold the land to the *de facto* complainant which was already sold. Thus, there is double registration of the very same land. Accused Nos.1 and 2 along with other accused in connivance with each other have cheated the *de facto* complainants in both crimes.

17. The learned Public Prosecutor would further submit that there are several aspects to be investigated into by the Investigating Officer including the aspect as to whether the subject land is in Survey No.448 or in Survey No.452. The Investigating Officer has to collect documents from the Revenue Officials. Investigation is pending. Accused Nos.1 and 2 are influential persons and there is every

possibility of tampering the evidence and interfering with investigation.

18. The learned Public Prosecutor, on instructions, would submit that the Investigating Officer has not filed any application seeking custodial interrogation of accused No.2 in both the crimes.

19. With the said submissions, the learned Public Prosecutor sought to dismiss the bail applications of accused Nos.1 and 2 in both the crimes.

CONSIDERATION OF THE COURT:

20. From the above submissions, the allegation against accused Nos.1 and 2 in both the crimes is that they have sold the land in Survey No.448 showing that it is located in Survey No.452 of Chitkul village. They have received an amount of Rs.1.67 Crores through cash and an amount of Rs.40.00 lakhs through cheques. Accused Nos.1 and 2 in collusion with other accused have sold the said land illegally by executing the documents twice and it is double registration. Thus, accused Nos.1 and 2 have committed cheating. Accused Nos.1 and 2 have also trespassed into the land of the *de facto* complainant in Crime No.349 of 2020. In the complaint dated 29.08.2020 in Crime No.349 of 2020, the *de facto* complainant has alleged that accused have trespassed into her land on 27.08.2020 and she came to know about the criminal trespass on 27.08.2020. There are no specific dates, time on which accused Nos.1 and 2 have

trespassed into her land etc. It is a matter to be investigated by the Investigating Officer.

21. Whether the land sold to *de facto* complainant in Crime No.415 of 2020 is in Survey No.448 or in Survey No.452 is also a fact to be investigated by the Investigating Officer. As submitted by the learned Public Prosecutor, the Investigating Officer has to collect evidence including documentary evidence from the Revenue Officials, and have to examine them.

22. Admittedly, accused Nos.1 and 2 in both the crimes were arrested on 27.10.2020 and since then they are in jail. The police have already taken custody of accused No.1 on 23.11.2020 and they did not seek extension of his custody. Thus, the custodial interrogation of accused No.1 was completed on 23.11.2020 itself. The learned Public Prosecutor has submitted that the Investigating Officer has recorded the statements of four (04) witnesses.

23. Considering the above said aspects and also the aspect that the petitioners were arrested on 27.10.2020, the custodial interrogation of accused No.1 was completed on 23.11.2020 and the Investigating Officer has recorded the statements of four (04) witnesses, this Court is inclined to grant regular bail to accused Nos.1 and 2 in both the crimes.

24. Accordingly, all the Criminal Petitions are allowed, and the petitioners - accused Nos.1 and 2 in Crime Nos.349 of 2020 and 415 of 2020 shall be released on bail on the following conditions:

i) The petitioners - Accused Nos.1 and 2 in Crime Nos.349 of 2020 and 415 of 2020 shall execute personal bonds for Rs.25,000/- (Rupees twenty five thousand only) each in both crimes with two (02) sureties each in both crimes for a like sum each to the satisfaction of the Judicial Magistrate of First Class, Special Mobile Court, Sangareddy;

ii) They shall report before the Investigating Officer everyday between 10.00 A.M. and 5.00 P.M. till completion of investigation and filing of charge sheet;

iii) They shall co-operate with the Investigating Officer by furnishing documents and also information as required by the Investigating Officer; and

iv) They shall not interfere with the investigation.

As a sequel, miscellaneous petitions, if any, pending in the above criminal petitions shall stand closed.

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Special Mobile, Sangareddy, Medak District.
2. The Addl. Judicial First Class Magistrate, Special Mobile cum II Addl. Junior Civil Judge, Sangareddy, Medak District.
3. The Superintendent, Sub Jail, Kandi, Medak District.
4. The Superintendent, District Jail, Sangareddy, Medak District.
5. The Station House Officer, Patancheru Police Station, Sangareddy, Medak District.
6. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
7. Two CCs to Sri M.Koteswara Rao, Advocate (OPUC)
8. Two CCs to Sri Narasimhulu K.B., Advocate (OPUC)
9. One Spare Copy

HIGH COURT

KL,J

DATE: 27-11-2020

ORDER

CRIMINAL PETITION NOS: 5913, 5917, 5933 AND 5937 OF 2020

BAIL

